EXHIBIT B

Case 5:20-cv-00946 Document 1-2 Filed 08/12/20 Page 2 of 21

FILED
6/9/2020 4,05 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Annabelle Kung

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	CAUSE NO	
ADELINA RAMON, Plaintiff	8	IN THE DISTRICT COURT
VS. DOLLAR TREE STORES, AND	Ø	45TH JUDIC AT DISTIRCT
JOHN DOE, Defendants	§ §	BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUESTS FOR RULE 194 DISCLOSURES

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Plaintiff Adelina Ramon ("Plaintiff"), and complains of Defendants

Dollar Tree Stores, Inc. and John Doe ("Defendants"), and for cause of action would respectfully show unto the Court as follows:

I. <u>DISCOVERY CONTROL PLAN</u>

1. Plaintiff intends for discovery to be conducted under Level 3 of Rule 190 of the TEXAS RULES OF CIVIL PROCEDURE.

II. PARTIES

- Plaintiff Adelina Ramon is an individual residing in Bexar County, San Antonio,
 Texas.
- 3. Defendant **Dollar Tree Stores, Inc.** ("**Dollar Tree**") is a foreign for profit corporation authorized to business in the State of Texas and may be served with process by serving its registered agent Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin, TX 78701 USA.
- 4. Defendant John Doe is believed to be a Texas resident and a resident and domiciled in Bexar County, San Antonio, Texas. John Doe was an employee for Defendant

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Dollar Tree who negligently contributed to the incident while in the course and scope of their employment for Defendant Dollar Tree. Defendant John Doe's name and address is confidently unknown.

III. JURISDICTION AND VENUE

- 5. Venue is proper in Bexar County, Texas pursuant to Section 15.002 TEXAS CIVIL PRACTICE AND REMEDIES CODE because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in Bexar County.
- 6. The subject matter in controversy is within the jurisdictional limits of this court. This court has jurisdiction over the parties because the Defendants are either a Texas resident/entity, domiciled in the State of Texas, have a principal place of business in the State of Texas and/or does business in the State of Texas.

IV. FACTS

7. On September 6, 2019, Plaintiff Adelina Ramon was a business invitee on the premise and shopping at Dollar Tree store owned by Defendant Dollar Tree located at 5827 Babcock Rd, San Antonio, TX 78240. While Plaintiff was shopping, Defendant John Doe was or had improperly and/or unsafely stocked inventory on the store shelves while in the course and scope of employment with Defendant Dollar Tree. Plaintiff was shopping for items in the store when suddenly and, as a direct result of John Doe's negligence, multiple items and/or boxes fell from the shelves and landed on top of the Plaintiff. As a result, Plaintiff sustain severe injuries to various parts of her body. The unreasonably dangerous condition was created by John Doe's unsafe conduct while in the course of scope of their employment with Defendant Dollar Tree and proximately caused Plaintiff's injuries and the need for her subsequent medical treatment.

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V. CAUSES OF ACTION NEGLIGENCE AGAINST JOHN DOE

- 8. The incident that made the basis of this suit and the resulting injuries and damages to the Plaintiff were proximately and directly caused by the negligent conduct of Defendant John Doe.
- 9. Defendant John Doe acted in a negligent manner and violated the duty which they owed the Plaintiff to exercise ordinary care. Specifically, Defendant John Doe improperly and/or unsafely stocked inventory on the store shelves for Defendant Dollar Tree in a manner that posed an unreasonable risk of harm to Plaintiff. Defendant John Doe stacked the inventory and/or boxes in the shelves in a manner that allowed the inventory to easily fall and injure shoppers, such as the Plaintiff. Defendant John Doe was also in the course and scope of employment for Defendant Dollar Tree at the time John Doe engaged in their negligent conduct, which proximately caused the incident.

V. CAUSES OF ACTION DOLLAR TREE

- 10. On the occasion in question, Defendant Dollar Tree, and their agents, servants, and employees were negligent towards the Plaintiff in the following respects:
 - a. Failing to warn invitees, including the Plaintiff, of the hazards of an unreasonably dangerous condition on Defendants' premises;
 - b. Failure to inspect the premises and maintain it from dangerous hazards on the store shelves;
 - c. Allowing a dangerous condition to exist, so that Plaintiff would be injured by improperly stocked inventory;
 - d. Failing to provide for the safety of Plaintiff under the circumstances;
 - e. Failing to warn invitees, including Plaintiff, that the area in question should

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be approached with caution;

- f. Negligently maintaining the area in question in such a way so a negligent activity;
- g. Failing to warn invitees, including the Plaintiff, that there was a dangerous condition which required extra care to be taken while was through that area;
- h. Failing to maintain the premises in a reasonably safe condition and other invitees; and
- i. Failing to remove the dangerous condition or warn of its existence.
- 11. Further, Defendant Dollar Tree is liable under the doctrine of *respondeat superior* in that Defendant John Doe was acting while in the course and scope of employment with the Defendant Dollar Tree when John Doe's negligent conduct occurred.
- 12. Additionally, Defendant Dollar was negligent for negligently hiring John Doe, negligent training and supervision of John Doe, and negligent retention of Defendant John doe.
- 13. Each and all of the Defendants foregoing acts and or omissions were negligent and constituted negligence, and were each and all the proximate cause of the incident which forms the basis of this suit, and were a proximate cause of Plaintiff's injuries and damages.

PREMISES LIABILITY

14. Plaintiff was an invitee on the premises, because she entered the premises with Defendant Dollar Tree's knowledge and for its economic benefit. As such, Defendant Dollar Tree owed Plaintiff a duty of ordinary care to adequately warn her of conditions on the premises posing an unreasonable risk of harm or to make the condition reasonably safe. Defendant knew or should have known that items were improperly and/or unsafely stocked on the store shelves by Defendant John Doe, such that it created a dangerous condition, posing an unreasonable risk of harm to the

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Plaintiff and others similarly situated. Defendant breached their duty of ordinary care to Plaintiff by both failing to warn the Plaintiff of the condition and failing to make the condition reasonably safe.

15. Plaintiff was an invitee and the Defendants had actual or constructive knowledge of this condition of the premises and the improperly stocked inventory posed an unreasonable risk of harm. Defendants failed to exercise reasonable care to reduce or eliminate the risk and the Defendants' failure to use such care proximately caused the Plaintiff's injury.

GROSS NEGLIGENCE

- 16. Defendants negligent conduct was more than momentary thoughtlessness or inadvertence. Rather, Defendants conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff. Defendants had actual, subjective awareness of the risk involved but, nevertheless, proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others similarly situated. Specifically, Defendants did not safeguard the premises. Further, Plaintiff was injured because Defendants were grossly negligent in the following respects:
 - a. Failing to warn invitees, including Plaintiff, of the hazards of an unreasonably dangerous condition on Defendants' premises;
 - b. Failing to properly maintain area in a reasonably safe condition for Plaintiff and other invitees;
 - c. Failing to inspect the area for dangerous conditions;
 - d. Failing to remove the dangerous condition or warn of its existence;
 - e. Failing to provide warning signs, tape, or barriers warning of the dangerous condition:

VI. PROXIMATE CAUSE

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- 17. Each and every, all and singular of the foregoing acts and omissions, on the part of Defendants, taken separately and/or collectively, constitutes a direct and proximate constitutes and damages set forth below.
- 18. Each of the Defendants acts and omissions, singularly and or in any combination with others, constitute negligence which proximately caused the dangerous condition and caused Plaintiff's injuries and other losses as specifically set forth, all of which Plaintiff suffered and which he will continue to suffer in the future, if not for the remainder of her natural life.

VII. DAMAGES

- 19. As a direct and proximate result of the incident and the negligent conduct of the Defendants, Plaintiff Adelina Ramon suffered severe bodily injuries to her neck, back, legs and other parts of her body generally. The injuries are permanent in nature. The injuries have had a serious effect on the Plaintiff's health and well-being. Some of the effects are permanent and will abide with the Plaintiff for a long time into the future, if not for her entire life. These specific injuries and their ill effects have, in turn, caused the Plaintiff's physical and mental condition to deteriorate generally and the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause the Plaintiff to suffer consequences and ill effects of this deterioration throughout her body for a long time in the future, if not for the balance of her natural life. As a further result of the nature and consequences of her injuries, Plaintiff suffered great physical and mental pain, suffering and anguish and in all reasonable probability, will continue to suffer in this manner for a long time into the future, if not for the balance of her natural life.
- 20. Additionally, as a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to incur the following damages:

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- a. Reasonable medical care and expenses in the past;
- b. Reasonable and necessary medical care and expenses, which will, in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering, which will, in all reasonable probability in the future;
- e. Physical impairment and disability in the past;
- f. Physical impairment and disability, which will, in all reasonable probability be suffered in the future:
- g. Lost wages in the past;
- h. Loss of wage earning capacity, in the past and the future;
- i. Mental anguish in the past;
- j. Mental anguish which will, in all reasonable probability, be suffered in the future;
- k. Physical disfigurement in the past, and which will, in all reasonable probability, be suffered in the future.
- 21. As a result, the damages sought are in excess of one million dollar (\$1,000.000.00). The maximum amount of damages sought is three million dollars (\$3,000,000.00).

VII. REQUEST FOR DISCLOSURE

22. Pursuant to Rule 194 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants are requested to disclose within fifty (50) days after service of the citation and petition the information or material described in Rule 194.2 (a) through (l).

IX. JURY DEMAND

23. Plaintiff demands a jury trial and tenders the appropriate fee.

X.

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REQUEST FOR DISCLOSURE

24. Pursuant to RULE 194 of the TEXAS RULES OF CIVIL PROCEDURE, the Defendants are requested to disclose, within fifty (50) days of service hereof, the information and material described in each section of RULE 194.2.

XI. NOTICE OF SELF-AUTHENTICATION

25. Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, the Defendants are hereby noticed that the production of any document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial.

PRAYER

Plaintiff Adelina Ramon respectfully prays that the Defendants be cited to appear and answer herein, and that upon final hearing of this cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for actual compensatory damages and exemplary damages, in an amount within the jurisdictional limits of this Court, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law, post-judgment interest at the legal rate, costs of court, and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully Submitted,

LAW OFFICES OF THOMAS J. HENRY 521 Starr Street Corpus Christi, Texas 78401 Phone: (361)-985-0600

Fax: (361)-985-0601

By: /s/ Phillip Ripper

Phillip Ripper SBN: 24085866

pripper-svc@thomasjhenrylaw.com ATTORNEYS FOR PLAINTIFF

Case Number: 2020CI10505 Document Type: PETITION Page 8 of 10

*service by email to this address only



CERTIFIED COPY CERTIFICATE STATE OF TEXAS I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD NOW IN MY LAWFUL CUSTODY. WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:

August 06, 2020

MARY ANGIE GARCIA BEXAR COUNTY, TEXAS

By:

ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

Case Number: 2020CI10505 Document Type: PETITION Page 10 of 10

FILED ... 6/26/2020 5:01 PM
Mary Angie Garcia.
Bexar County District Clerk
Accepted By: Annabelle Kung



Cause Number: 2020CI10505

District Court: 45TH

MARY ANGIE GARCIA Bexar County District Clerk

cit pps w/jd

Request for Process

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1.						
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			AWYERS INCORPO		CE COMPANY	
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Case Number: 2020CI10505 Document Type: REQUEST FOR SERVICE AND PROCESS Page 1 of 2

CERTIFIED COPY CERTIFICATE STATE OF TEXAS I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD NOW IN MY LAWFUL CUSTODY. WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:

August 06, 2020

MARY ANGIE GARCIA BEXAR COUNTY, TEXAS

EDICO

By:

ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

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FILED 8/3/2020 10:31 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Michael Yanas

CAUSE NO. 2020CI10505

ADELINA RAMON, Plaintiff,	Ş	IN THE DISTRICT COURTSEXAR
v.	\$ \$	BEXAR COUNTY TEXAS
DOLLAR TREE STORES and JOHN DOE, Defendants.	n co co	45th JUDICIAL DISTRICT

DEFENDANT DOLLAR TREE STORES, INC.'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION AND DEMAND FOR A JURY TRIAL

DOLLAR TREE STORES, INC. (one of the Defendants herein and hereinafter referred to as "Defendant") files its Original Answer to Plaintiff's Original Petition and Demand for a Jury Trial as follows:

I. GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

II. JURY DEMAND

2. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant demands a trial by jury and hereby tenders the applicable jury fee.

III. <u>PRAYER FOR RELIEF</u>

3. Defendant prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

MAYER LLP

750 North Saint Paul Street, Suite 700 Dallas, Texas 75201 214.379.6900 / Fax: 214.379.6939

By: __/s/Robin R. Gant

Zach T. Mayer State Bar No. 24013118

E-Mail: zmayer@mayerllp.com

Robin R. Gant

State Bar No. 24069754

E-Mail: rgant@mayerllp.com

Mavish Bana

State Bar No.24096653

E-Mail: mbana@mayerllp.com

ATTORNEYS FOR DEFENDANT DOLLAR TREE STORES, INC.

CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on this 3rd day of Assatt 2620 a true and correct copy of the foregoing document was served on counsel of record as follows:

Phillip Ripper LAW OFFICES OF THOMAS J. HENRY 521 Starr Street Corpus Christi, Texas 78401

Counsel for Plaintiff

DE-MAIL (PRIPPER-SVC@THOM SCHENRY WWW.
□HAND DELIVERY
□FACSIMILE
□OVERNIGHT MAIL
DREGULAR, FIRST CLASS MAIL
⊠E-SERVE AND FILE
□E-SERVICE ONLY
CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/Robin R. Gant Robin R. Gant CERTIFIED COPY CERTIFICATE STATE OF TEXAS I, MARY ANGIE GARCIA. BEXAR COUNTY DISTRICT CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD NOW IN MY LAWFUL CUSTODY. WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:

August 06, 2020

MARY ANGIE GARCIA BEXAR COUNTY, TEXAS

By:

ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

Case Number: 2020CI10505

Document Type: ORIGINAL ANSWER AND DEMAND FOR APHIRA JEAL

PRIVATE PROCESS

Case Number: 2020-CI-10505



ADELINA RAMON

VS.

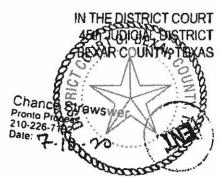
DOLLAR TREE STORES INC ET AL

(Note: Attached Document May Contain Additional Litigants.)

CITATION

"THE STATE OF TEXAS"

Directed To: DOLLAR TREE STORES INC



BY SERVING ITS REGISTERED AGENT, CORP SERVICE COM DBA CSC-LAWYERS INCORP SERVICE CO

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION AND REQUESTS FOR RULE 194 DISCLOSURES, a default judgment may be taken against you." Said ORIGINAL PETITION AND REQUESTS FOR RULE 194 DISCLOSURES was filed on the 9th day of June, 2020.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6TH DAY OF JULY A.D., 2020.

PHILLIP C RIPPER ATTORNEY FOR PLAINTIFF 5711 UNIVERSITY HTS 101 SAN ANTONIO, TX 78249-3555



Mary Angie Garcia Bexar County District Clerk 101 W. Nueva, Suite 217 San Antonio, Texas 78205

By: Laura Castillo, Deputy

ADELINA RAMON		Case N	Case Number: 2020-CI-10505				
VS	Officer's Return	Court:	45th	Judicia	al District	Court	
DOLLAR TREE STORES INC ET AL							
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REQUESTS FOR RULE 194 DISCLOSURES the	e date of delivery endorsed on it to the defendant,	-2.17 12.342			, in	person on the	
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Case Number: 2020CI10505	Document Type: CITATION				Page 1 of	2	

FILE COPY (DK882)

Declarant

Case 5:20-cv-00946 Document 1-2 Filed 08/12/20 Page 19 of 21 FILED

7/21/7 120 10:06 AM Mary Arry e Garcia Bexar County District Clerk Accepted By: Eva Garcia

Case Number: 2020-CI-10505



2020CI10505 S00001

ADELINA RAMON

VS.

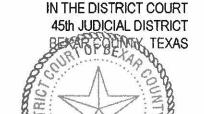
DOLLAR TREE STORES INC ET AL

(Note: Attached Document May Contain Additional Litigants.)

CITATION

"THE STATE OF TEXAS"

Directed To: DOLLAR TREE STORES INC



BY SERVING ITS REGISTERED AGENT, CORP SERVICE COM DBA CSC-LAWYERS INCO

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION AND REQUESTS FOR RULE 194 DISCLOSURES, a default judgment may be taken against you." Said ORIGINAL PETITION AND REQUESTS FOR RULE 194 DISCLOSURES was filed on the 9th day of June, 2020.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6TH DAY OF JULY A.D., 2020.

PHILLIP C RIPPER ATTORNEY FOR PLAINTIFF 5711 UNIVERSITY HTS 101 SAN ANTONIO, TX 78249-3555



Mary Angie Garcia Bexar County District Clerk 101 W. Nueva, Suite 217 San Antonio, Texas 78205

By: Laura Castillo, Deputy

ADELINA RAMON VS DOLLAR TREE STORES INC ET AL	Officer's Return	Case Number: 2020-CI-10505 Court: 45th Judicial District Court
I received this CITATION on	ato'clockM. and:() executed it by delivering	a copy of the CITATION with attached ORIGINAL PETITION AND
REQUESTS FOR RULE 194 DISCLOSURES the	date of delivery endorsed on it to the defendant,	, in person on the
at	o'clockM. at:	or () not executed because
Fees: Badge/PPS #:	Date certification expires:	County, Texas
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	, my date of birth is County.	, and my address is
I declare under penalty of perjury that the day of, 20	at the foregoing is true and correct. Executed in $_$	County, State of Texas, on
Case Number: 2020CI10505	Document Type: RETURNED C	ITATION Page 1 of 3

Declarant

RETURN TO COURT (DK002)

Page 1 of 3



AFFIDAVIT OF SERVICE

State of Texas

County of Bexar

45th Judicial District Court

Case Number: 2020CI10505

Plaintiff:

ADELINA RAMON

VS.

Defendant:

DOLLAR TREE STORES, AND JOHN DOE,

For: Phillip Ripper Law Office of Thomas J. Henry 521 Starr St Corpus Christi, TX 78401



Received by Pronto Process (San Antonio) on the 10th day of July, 2020 at 6:01 pm to be served on DOLLAR TREE STORES INC BY SERVING IT REGISTERED AGENT CORP SERVICE COM DBA CSC LAWYERS INCORPORATING SERVICE COMPANY, 211 E.7TH STREET, SUITE 620, AUSTIN, TX 78701.

I, Mike Techow, being duly swom, depose and say that on the 13th day of July, 2020 at 1:25 pm, I:

delivered to REGISTERED AGENT by delivering a true copy of the CITATION /PLAINTIFF'S ORIGINAL PETITION AND REQUESTS FOR RULE 194 DISCLOSURES with the date of service endorsed thereon by me, to: Samantha Guerra, CORP SERVICE COM DBA CSC LAWYERS INCORPORATING SERVICE COMPANY as Authorized Agent at the address of: 211 E.7TH STREET, SUITE 620, AUSTIN, TX 78701 on behalf of DOLLAR TREE STORES INC, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, of sound mind, have no interest in the above action. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 13th day of July, 2020 by the affiant who is personally known

to me.

NOTARY PUBLIC

MARIE NICOLE HENAY Notary Public, State of Texas Communication of 10505-04-04-2023

Mike Techow PSC-1215, Exp. 7/31/20

Pronto Process (San Antonio) P.O. Box 7819 San Antonio, TX 78207 (210) 226-7192

Our Job Serial Number: BBW-2020005897 Ref: 2020Cl10505

Copyright @ 1992-DECOMMENTSTYPE I'R FTURNED GITATION

(1)

CERTIFIED COPY CERTIFICATE STATE OF TEXAS I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT CLERK. DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD NOW IN MY LAWFUL CUSTODY. WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:

August 06, 2020

MARY ANGIE GARCIA BEXAR COUNTY, TEXAS

By:

ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

Case Number: 2020CI10505

Document Type: RETURNED CITATION

Page 3 of 3